

Topsfield Planning Board

March 5, 2013

Chairman Morrison called the meeting to order at 7:30 PM at the Town Library. Board members present were Martha Morrison, Janice Ablon, Steven Hall, Henry Goudreau and Ian De Buy Wenniger. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Frank Iovanella, James MacDowell, Trudi Perry, Richard Adelman

Minutes: Clerk Janice Ablon made the motion to approve the minutes of February 5, 2013; approved as corrected; seconded by Member Steven Hall; so voted 5-0.

488-490 Boston Street: At 7:45PM, Chairman Morrison called to order the public hearing to consider the application of Beverly Hills Realty Trust for premises located at 488-490 Boston Street requesting a special permit pursuant to Article IV, Section 4.07J of the Topsfield Zoning By-law for the construction of a common driveway.

The applicant's representative James MacDowell and Trustee Frank Iovanella met with the Board to review the plan for the common driveway special permit application. Mr. MacDowell noted that the Board had recently approved an ANR plan for the subdivision of the "grandfathered" non-conforming lot into two residential lots based on a positive finding by the Zoning Board of Appeals. He reviewed the site plan for the common driveway noting that the access entrance at Boston Street had a sight distance of 450 feet in the northerly direction toward the Ipswich hill area. He also reviewed the criteria for utilities, water, septic, reduction in impervious soil and drainage which all met the established standard of the Bylaw.

The Board members were concerned with the access width of the driveway at the entrance with Route 1 (Boston Street). Given winter conditions, and the possibility of vehicles entering and exiting at the same time, the Board requested that the driveway be widened to 18 feet. Mr. MacDowell informed the Board that the Mass Highway Standard for a residential access permit was 16 feet; however, he would request a waiver for 18 feet in the permit application. It was the consensus of the Board that the driveway should be 18 feet in width to the property line with the Mass Highway right-of-way and then drop to 16 feet.

The members also noted that a declaration of covenants and easements were a requirement of the Bylaw and must be recorded with the special permit and incorporated therein as a condition of the special permit.

Clerk Janice Ablon made the motion to close the public hearing; seconded by Member Steven Hall; so voted 5-0.

After making the appropriate findings, Member Ian DeBuy Wenniger made the motion to approve the granting of a special permit pursuant to Article IV, Section 4.07J of the Topsfield Zoning By-law for the construction of a common driveway as set forth in the site development plan dated January 18, 2013 provided that the following conditions are met: (1) common driveway width at 18 feet to property line with state highway right-of-way then drops to 16 feet to meet Massachusetts Highway standard; (2) recorded declaration of covenants and easements; (3) issuance of a Massachusetts Highway driveway access permit; seconded by Member Steven Hall; so voted 4-0.

PUBLIC INFORMATION MEETING ON MEDICAL MARIJUANA TREATMENT CENTERS AND RELATED ZONING REVISIONS

At 8:27PM, Chairman Morrison called the information meeting to order to discuss the zoning issues related to the establishment of Medical Marijuana Treatment Centers in Topsfield. See attached Proposed Zoning Amendments. At this time, Ms. Morrison noted that the Towns of Ipswich and Middleton were proposing a temporary moratorium since the rules and regulations of the Department of Public Health have not been issued. The towns would use this period to engage in a planning process with respect to the siting of such centers. Ms. Knight noted that the Town of Boxford was also moving in this direction. Chairman Morrison noted that she favors this approach rather than attempting to draft zoning revisions without any guidance from the state. The members discussed this approach at length. It was the consensus of the Board to follow the temporary moratorium approach of the three neighboring towns.

The members then discussed the related proposed zoning amendments and decided not to revise the definitions for “medical clinic” and “pharmacy”, but still amend the Table of Uses to include medical clinics. The Board would move forward with adding the state definition for “medical marijuana treatment center” into the Definition section of the Bylaw as well as proposing a temporary moratorium.

The Board reviewed the draft temporary moratorium zoning articles as proposed by the Towns of Ipswich and Middleton. The Board directed Ms. Knight to contact Town Counsel Patricia Cantor on this issue and query as to whether the Board would need to notice a separate hearing to discuss a temporary moratorium warrant article.

Chairman Morrison noted that the “Temporary Moratorium” could be incorporated into the Zoning Bylaw as part of Article VII Special Regulations by inserting a new subsection 7.04.

Scenic Road Rules & Regulations and Special Permit Decision Modifications:

Chairman Morrison initiated the review process to modify the Scenic Road Rules & Regulations as well as the special permit decision language. Based on the previous meeting discussions concerning the removal of trees on Wildes Road and the subsequent legal opinion issued by Town Counsel, Ms. Morrison requested a vote to modify the

Scenic Road Rules & Regulations by deleting from Section 3 the following language: "...Upon approval by the Board and filing decision with the Town Clerk, there shall be a 60 day appeal period after which time the Town Clerk shall issue a Certificate of No appeal. Approved changes to the scenic road shall then commence"; removing Section 4 (the Appeals Process) in its entirety, and renumbering the remaining sections; and further, remove the appeal process language from the special permit decision form.

Clerk Janice Ablon made the motion to approve the said revisions related to the removal of an appeal process; seconded by Member Henry Goudreau; so voted 5-0.

51 Fox Run Road Stormwater Continuation: The Board continued the public hearing on the Stormwater Management Permit to the March 19th meeting at 8:15PM. Ms. Knight informed the Board that she had talked with the applicant regarding contracting with Beals & Thomas Inc. to conduct the peer review. Mr. O'Hara agreed to funding the engagement of the firm subject to the Board's approval. Ms. Knight noted that Beals & Thomas Inc. is a full service engineering firm and did an excellent job in reviewing the elderly housing development, The Meadows. The Board agreed with Ms. Knight's recommendation.

The meeting was adjourned at 9:04 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator

